

**Before The  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.**

In the matter of	)	
	)	
Petition for Rulemaking to establish a Low Power AM	)	RM-11287
Radio Service	)	
	)	

**REPLY COMMENTS OF REC NETWORKS**

1. REC Networks ("REC") is a supporter of locally owned and diverse radio. REC currently operates several Internet only radio stations. REC also operates several websites including the original LPFM Channel Search Tool<sup>1</sup>. REC Networks also represents the interests of independently owned Low Power FM ("LPFM") broadcast stations and their listeners. REC also follows issues that involve the availability of media in rural and underserved areas.

2. REC continues to support the creation of a non-commercial educational Low Power AM ("LPAM") service. As we have shown, such a service will provide community organizations, schools and churches in urban areas where the FM band is severely congested the same opportunity to low power broadcasting that their suburban and rural counterparts have been enjoying for the past several years.

3. REC discounts the comments that were made by some of the smaller incumbent broadcasters in regards to concerns that the LPAM service is legitimizing pirate radio<sup>2</sup>. We note that similar arguments were made during the original LPFM proceedings. The Commission has

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<sup>1</sup> - <http://www.LPFM.WS>

<sup>2</sup> - See Comments of Arso Radio at 2.

put in place rules regarding the issuance of licenses to those with a "pirate past" as well the Commission's overall character evaluation process. We do note that with the extreme difference in the Part 15 rules for AM broadcasting vs. FM broadcasting, the ability to operate an unlicensed AM broadcast station and remain within the rules is more possible than on FM. The FCC's own enforcement records show that there has not been that many AM transmissions that have received Notices of Unauthorized Operation.

4. REC does not agree with comments that would suggest that existing Part 15 unlicensed operations in the AM broadcast band should be afforded protection from any future LPAM service<sup>3</sup>. The Part 15 stations are permitted to operate by rule and may not cause and must accept interference from *licensed* operations. We also note that the FCC does not have a definition for a Part 15 *AM Broadcast Station*. The protections proposed by LPAM Network could make every real-estate sign and toy "mister microphone" subject to protection and foreclosing on any opportunity for the LPAM service. We also note that since Part 15 is unlicensed, the FCC does not keep any official records on Part 15 AM broadcast band operations and therefore does not have a reference to base protection on.

5. REC feels that through voluntary cooperation, existing Part 15 stations can be identified and an effort can be made to accommodate the LPAM station without the displacement of the Part 15 station. REC's attempt to build a database of Part 15 AM stations was received

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<sup>3</sup> - See Comments of WILW Radio and LPAM Network at 9.

with major resistance from a vocal minority in the Part 15 community<sup>4</sup>. While this does not represent the entire Part 15 community, it is apparent that some are not interested in any voluntary cooperation in efforts to accommodate Part 15 operators and the new LPAM service.

6. We feel that in addition to the addition of a non-commercial LPAM service, that enhancements can be made to the existing Part 15 rules relating to intentional radiators in the AM broadcast band. We have been examining a regulatory model that is currently used in New Zealand for their LPFM service<sup>5</sup>. In New Zealand, LPFM stations may operate up to 500 mW on an unlicensed basis on two segregated portions of the FM broadcast band. Minimal rules apply regarding field strength, location of commonly owned transmitters and station identification<sup>6</sup>. We feel that in the United States, a similar model can be used in the expanded AM broadcast band (1620-1710 kHz) that would allow unlicensed stations of up to 1 watt to operate in a manner where they must be physically separated from full power AM, TIS and eventually LPAM stations by specific distance separation requirements. Even though the New Zealand LPFM service does not afford any interference protection between LPFM stations, we feel that through voluntary frequency coordination, interference between the 1-watt stations can be avoided. We feel that this could meet the needs of those who are desiring a commercial or semi-commercial service while having a minimal economic impact on full power AM stations.

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<sup>4</sup> - While WILW claims there are "thousands" of Part 15 AM broadcast stations, no one has been able to provide in the record the true number of Part 15 AM stations that are truly providing a community, university, school or church service and are not used for utility purposes such as "talking signs".

<sup>5</sup> - See <http://www.lpfm.nz.com>

<sup>6</sup> - See General User Radio License for Low Power FM Broadcasting Short Range Devices (New Zealand). Specifically, LPFM stations are permitted several spot frequencies, are required to transmit "contact information" (identification) every 3 hours and may not have more than one transmitter within 25km carrying the same program.

This proposal will also meet the needs of those Part 15 operators who are currently facing coverage challenges due to the geography of their service area<sup>7</sup>.

7. No comments were received that showed specifically where in the Communications Act it would be possible for an LPAM stations could operate commercially without the need for mandatory auctions to resolve issues of mutual exclusivity. Instead, the typical "David and Goliath" (or "Mom and Pop vs. Wal Mart") argument was made<sup>8</sup>. We do note that the FCC recently made the opportunity for new "Davids" to get their foot in the door. The recent AM Auction window would allow someone to be able to construct a commercial station with powers as low as 250 watts (the maximum power proposed by the Joint Petitioners).

8. REC discounts comments that favor a commercial LPAM service because the LPFM service is non-commercial that it is only right that the LPAM service be "100% commercial". This argument fails to take account the availability of LPFM service in urban areas. Even though a majority of land-mass in the United States can receive a new LPFM station, a significant population are in areas that can not receive LPFM service, even if the third adjacent channel restrictions are lifted. Even if the Commission was to consider a commercial LPAM service (with or without auctions), we feel that priority must be given to those areas where LPFM is not available and LPAM service is the only way these organizations can get on the air and be able to enjoy the benefits of a low power broadcast station. .

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<sup>7</sup> - See Comments of Talk Radio of Pahrump at 2.

<sup>8</sup> - Comparing new small business model commercial LPAM stations to stations owned by large corporations.

9. In conclusion, REC Networks urges to Commission to create a new non-commercial Low Power AM Service as well as look at some considerations to enhance the services provided by unlicensed Part 15 AM stations.

Respectfully Submitted,

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